

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Dino Antolini,

Plaintiff,

-against-

Amy McCloskey, et al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 9/14/2020

1:19-cv-09038 (GBD) (SDA)

ORDER

STEWART D. AARON, UNITED STATES MAGISTRATE JUDGE:

WHEREAS, on September 4, 2020, the Court entered an Order regarding the failure of Plaintiff's counsel to comply with my Order of August 7, 2020 (9/4/20 Order, ECF No. 75); and

WHEREAS, pursuant to my September 4, 2020 Order, Defendants' counsel timely filed on September 9, 2020 a declaration stating that six hours were expended by him in preparing his August 31, 2020 Letter Motion and his September 3, 2020 Reply at an hourly rate of \$225.00 (Mizrahi 9/9/20 Decl., ECF No. 76); and

WHEREAS, on September 11, 2020, Plaintiff's counsel filed a letter arguing why monetary sanctions should not be imposed in the amount of the attorneys' fees expended by Defendants' counsel (Pl.'s 9/11/20 Letter Response, ECF No. 77); and

WHEREAS, on September 14, 2020, Defendants' counsel filed a reply letter (Defs.' 9/14/20 Reply, ECF No. 78); and

WHEREAS, having reviewed the parties' submissions, the Court finds that Plaintiff's counsel's failure to comply with the Court's August 7, 2020 Order was not substantially justified, and that an award against Plaintiff's counsel of the reasonable attorneys' fees incurred by Defendants by reason of Plaintiff's counsel failure to comply is not unjust; and


WHEREAS, the Court finds, in its discretion, that the sum of \$900.00 represents the reasonable attorneys' fees expended by Defendants' counsel in preparing his August 31 Letter Motion and his September 3 Reply.

NOW, THEREFORE, it is hereby ORDERED, as follows:

1. Pursuant to Rule 37(b)(2)(C) of the Federal Rules of Civil Procedure, Plaintiff's counsel shall pay the sum of \$900.00 to Defendants.
2. Plaintiff's counsel shall make the foregoing payment to Defendants within fourteen days of the date of this Order.
3. The parties are admonished to meet and confer and to cooperate with one another in a good faith effort to resolve any discovery disputes without resort to court intervention and to follow the process set forth in my August 7 Order if they are unable to resolve such disputes.

SO ORDERED.

DATED: New York, New York
September 14, 2020



STEWART D. AARON
United States Magistrate Judge